

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DARNEL MERIWETHER, et al.,)
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)
Plaintiffs,)
)
)
v.) No. 4:13CV2152 JAR
)
)
)
Defendants.)

MEMORANDUM AND ORDER

Before the Court is plaintiff Darnel Meriwether’s motion entitled “Motion Directed to Judge John A. Ross for Unconditional Leave to Proceed In Forma Pauperis.” Plaintiff’s motion was filed on January 9, 2014, the same date this Court dismissed this action pursuant to Fed.R.Civ.P. 41(b) for plaintiffs’ failure to properly respond to this Court’s December 3, 2013 Memorandum and Order. For the following reasons, the Court will deny plaintiff’s post-dismissal motion.

On October 23, 2013, plaintiffs Darnel Meriwether and Michael Thomas filed a joint complaint in this Court, pursuant to 42 U.S.C. § 1983, alleging violations of their civil rights. Named as defendants were the City of Velda City Police Department, as well as Office Michael Lewis and Officer Jim Ervin. Plaintiffs asserted that the officers made a warrantless arrest, without probable

cause, and falsely imprisoned plaintiffs in order to punish plaintiffs for exercising their First Amendment rights. Plaintiffs sought monetary damages and injunctive relief.

Because plaintiffs had failed to pay the filing fee and only plaintiff Meriwether submitted a motion for leave to proceed in forma pauperis, the Court ordered both plaintiffs to submit CJA-Form 23 Financial Affidavits. The Court additionally ordered plaintiff Thomas to submit a motion to proceed in forma pauperis. Plaintiffs were provided twenty (20) days to comply with the Court's Memorandum and Order. When plaintiffs failed to comply with this Court's Order, the case was dismissed pursuant to Fed.R.Civ.P. 41(b).

In plaintiff Meriwether's motion "Directed to Judge John A. Ross for Unconditional Leave to Proceed In Forma Pauperis," plaintiff merely reasserts the claims submitted in plaintiffs' original complaint. The Court is unsure of the intent of plaintiff's motion, as plaintiff Darnel Meriwether has a prior motion to proceed in forma pauperis before the Court. It was plaintiff Thomas who was instructed to file a separate motion to proceed in forma pauperis. Plaintiff Meriwether cannot file a document on plaintiff Thomas' behalf.¹

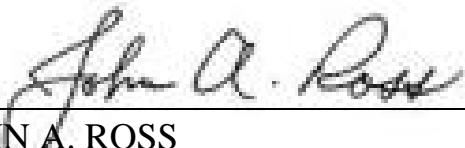
¹A litigant may bring his own claims to federal court without counsel, but not the claims of others. See 28 U.S.C. § 1654; see also 7A Wright, Miller & Kane, Federal Practice and Procedure: Civil 3d § 1769.1 ("class representatives

Even if the Court were to interpret plaintiff's motion as a motion for reconsideration of the dismissal of this action, it must be denied. Plaintiff Meriwether has still failed to submit the CJA-Form 23 Financial Affidavit, the "supplemental pleading" outlining the additional claims is not signed by plaintiff Thomas, and plaintiff Thomas has also failed to submit his motion to proceed in forma pauperis and the required CJA-Form 23 Financial Affidavit. As such, the Court refuses to reconsider the dismissal of this matter.

Accordingly,

IT IS HEREBY ORDERED that plaintiff Meriwether's "Motion Directed to Judge John A. Ross for Unconditional Leave to Proceed In Forma Pauperis" [Doc. #5] is **DENIED**.

Dated this 23rd day of January, 2014.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

cannot appear pro se").